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IPW

Atty. Dkt. No. 078743-2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael Kendall

Title: Device for Suspending a Foot  
within a Shoe and Shoes  
Incorporating such Devices

Prior Appl. No.: 10/634,267

Prior Appl.  
Filing Date: 8/4/2003

Examiner: Patterson, M.

Art Unit: 3728

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**EV 727838707 US 9 SEPT 2005**  
(Express Mail Label Number) (Date of Deposit)

Rachel Caputo  
(Printed Name)

*Rachel Caputo*  
(Signature)

**CONTINUING PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

Continuation  Division  Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

09/14/2005 HTECKLU1 00000005 500872 10634267

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- Description, Claims, and Abstract (32 pages).
- Formal drawings (5 sheets, Figures 1-13).
- Preliminary Amendment (7 pages).
- Copy of Declaration and Power of Attorney filed in Parent Patent Application No. 10/634,267, filed 8/4/2003 (3 pages).
- Application Data Sheet (37 CFR 1.76) (3 pages).

The filing fee is calculated below:

	Number Filed	Included in Basic Fee	Extra	Rate	Fee Totals
Basic Filing Fee				\$300.00	= \$300.00
Search Fee				\$500.00	= \$500.00
Examination Fee				\$200.00	= \$200.00
Size Fee	37	- 100 = 0	x	\$250.00	= \$0.00
Total	1	- 20 = 0	x	\$50.00	= \$0.00
Claims:					
Independents	1	- 3 = 0	x	\$200.00	= \$0.00
If any Multiple Dependent Claim(s) present:			+	\$360.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late payment of filing fee			+	\$130.00	= \$0.00
				SUBTOTAL:	= \$1000.00
[ X ]		Small Entity Fees Apply (subtract ½ of above):			= -500.000
				TOTAL FILING FEE:	= \$500.00
Assignment Recordation Fee:			+	\$40.00	= \$0.00
Processing Fee under 37 CFR 1.17(i) for Late Filing of English Translation of Application:			+	\$130.00	= \$0.00
<u>TOTAL FEE</u>					= \$500.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ]	Extension for response filed within the first month:	\$120.00	0	\$0.00
[ ]	Extension for response filed within the second month:	\$450.00		\$0.00
[ X ]	Extension for response filed within the third month:	\$1,020.00		\$1,020.00
[ ]	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
[ ]	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
	EXTENSION FEE SUBTOTAL:			\$1,020.00
	EXTENSION FEE ALREADY PAID:			\$0.00
	EXTENSION FEE TOTAL			\$1,020.00
[ X ]	Small Entity Fees Apply (subtract ½ of above):			\$510.00
[ ]	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
	<b>TOTAL</b>			
	<b>INCLUDING FILING FEE AND EXTENSION OF TIME:</b>			<b>\$1,010.00</b>

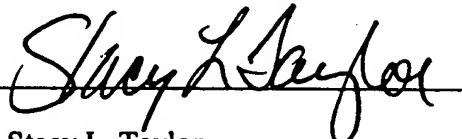
[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$1,010.00 to cover the filing and extension fees. A duplicate of this transmittal is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By



Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

Date September 9, 2005

FOLEY & LARDNER, LLP  
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PATENT TRADEMARK OFFICE

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